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Administrative and criminal liability for a failure to remove information damaging business reputation in the Internet

Since April 23, 2018, the provisions of the Federal Law No. 229-ФЗ "On Enforcement Proceedings" dated October 2, 2007, regulate the procedure for enforcement of the requirement contained in the executive document to remove information distributed on the Internet that defames the honor, dignity or damages business reputation of a citizen or damages business reputation of a legal entity.

In the event that the person against whom a court decision obliging the former to remove the defamatory information was rendered, does not delete such information within the period established for the voluntary execution of the requirement contained in the executive document for the removal of such information, the bailiff shall issue an execution collection order and decision on restricting access to this information. Within one business day from the moment this decision is issued, the bailiff sends it to Roskomnadzor.

Roskomnadzor, in its turn, will include the corresponding Internet resource in the "Unified Register of Domain Names, web site indexes on the Internet and network addresses to identify sites on the Internet that contain information distribution of which in the Russian Federation is prohibited" ("Register") and notify the hosting provider (organisation that serves this Internet site and provides services for the provision of capacity for placing content on it).

Within one day after receiving the notification from Roskomnadzor, the hosting provider shall inform the owner of the Internet site about the necessity to remove the page with defamatory information. In case of a failure to do so or inaction of the site owner, the hosting provider is obliged to restrict access to such an Internet site within one day.

If the hosting provider and/or the owner of the Internet site do not take the measures listed above, Roskomnadzor will include the network address that allows you to identify the site on the Internet, in the Register and within one day from the date of inclusion in the Register of this network address, the communication operator providing the Internet access services, is obliged to restrict access to this site^[1].

Federal Law No. 347-FZ of October 2, 2018, amended Article 17.15 of the Code of Administrative Offenses of the Russian Federation (the Administrative Code), providing for the following new offences and administrative liability for them:

- 1) for non-compliance with the requirement in the executive document to stop the dissemination of information and (or) to refute the previously disseminated information within the term established by the bailiff, an administrative fine may be imposed on citizens in the amount of 5 to 20 thousand rubles; on companies' officers - from 10 to 50 thousand rubles; on legal entities - from 50 to 20 thousand rubles;
- 2) non-fulfillment by the debtor of requirements to stop disseminating information contained in the executive document and (or) to refute previously disseminated information within a term re-established by the bailiff entails an administrative fine on citizens in the amount of 10 to 25 thousand rubles, or an administrative arrest for a term up to 10 days, or compulsory work for up to 120 hours; on companies' officers - from 15 to 50 thousand rubles, or administrative arrest for up to 15 days, or compulsory work for up to 200 hours; on legal entities - from 50 to 200 thousand rubles.

At the same time, Federal Law No. 348-FZ of October 2, 2018 amended Article 315 of the Criminal Code of the Russian Federation (the Criminal Code), providing for criminal liability for malicious non-execution of a court verdict, court decision or

other judicial act that entered into force, as well as hindering their execution by a person subjected to the administrative liability for the offense referred to in paragraph 2 above: a fine of up to 50 thousand rubles, or in the amount of the salary or other income of the convicted person for a period of up to 6 months, or mandatory works for up to 240 hours, or correctional works for up to one year, or an arrest for up to three months, or imprisonment for up to one year.

The above changes to the Administrative Code and Criminal Code came into force on October 13, 2018.

[1] The procedure for restricting access to Internet resources with information, the dissemination of which in the territory of the Russian Federation is prohibited, in accordance with Art. 15.1. Federal Law of 27.07.2006 N 149-ФЗ "On Information, Information Technologies and Information Protection".

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